

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of San Jose Water Company (U 168 W) for an Order authorizing it to increase rates charged for water service by \$14,646,000 or 8.54% in 2007, by \$5,196,000 or 2.78% in 2008, and by \$6,246,000 or 3.26% in 2009.

Application 06-02-014  
(Filed February 15, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING PREPARED TESTIMONY AND OTHER  
DOCUMENTARY EVIDENCE**

Attachment A to this ruling provides parties with instructions (e.g. preparation, service, hearing room protocols) regarding prepared testimony and any other documentary evidence which they may develop for use in this proceeding.

I note that Exhibits E through J to the application of San Jose Water Company (SJW) comprise prepared testimony, workpapers, and other documents often submitted as documentary evidence. These exhibits were filed under the Rate Case Plan then in effect for water utilities (*see* Decision (D.) 04-06-018). Shortly thereafter (*see* D. 06-02-010), the Rate Case Plan was revised and it now is consistent with the Commission's Rules of Practice and Procedure, which prohibit the filing of prepared testimony. I will not require SJW to repackage its application. However, as discussed at the prehearing conference, SJW should prepare a table of contents for these exhibits to make them more user-friendly. Each table of contents should list each section and

subsection within the exhibit, provide a cross-reference to appropriate page numbers, and list every attachment to the exhibit.

The tables of contents should not be filed with the Commission's Docket Office but should be served on me and on the Division of Ratepayer Advocates, no later than June 1, 2006. The appropriate table of contents will be made part of any exhibit admitted into evidence later in this proceeding.

**IT IS RULED** that:

1. Except as provided herein, parties shall follow Attachment A to this ruling for preparation, service and subsequent use of prepared testimony and any other documentary evidence.

2. San Jose Water Company shall prepare tables of contents for Exhibits E through J to its application and shall serve them by June 1, 2006 on the assigned Administrative Law Judge and on the Division of Ratepayer Advocates. The tables of contents shall not be filed with the Commission's Docket Office.

Dated May 12, 2006, at San Francisco, California.

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/s/ JEAN VIETH  
Jean Vieth  
Administrative Law Judge

## APPENDIX A: EXHIBITS

### Preparation of Prepared Testimony

See Article 17 of the Commission's Rules of Practice and Procedure for various requirements (Rule 68--need for subject index; Rule 70--exhibit size; etc.). For the purposes of ascertaining whether a subject index is required, include the individual pages of any attachment(s) in the total page count. A subject index should identify all such attachments, as well as the sections/subsections within the prepared testimony. Generally, prepared testimony should be bound with any attachments to it, unless size considerations warrant a different practice. To facilitate reference, please separately tab each attachment to prepared testimony.

#### Formatting requirements:

- 1) **The upper right hand corner of the exhibit cover sheet should be blank for the ALJ's exhibit stamp.** (Rule 70.) This applies to prepared testimony as well as other exhibits – if there is insufficient room in the upper right hand corner for an exhibit stamp, prepare a cover sheet for the exhibit. If a party “premarks” an exhibit in **any** way, it should **not** do so in the upper right hand corner of the cover sheet.
- 2) If any exhibit *provided to the ALJ in the hearing room* consists of more than one page, the **pages should be bound together** or otherwise fixed in a secure fashion (e.g. brads, acco fasteners, velo binding). **Do not use a loose-leaf binder** for this purpose--if dropped, the pages may fall out.

### Service of Exhibits

One copy of all prepared testimony should be served on the ALJ, and unless otherwise arranged, on all appearances and state service on the service list, as well as on the Assigned Commissioner's office. Prepared testimony should **not** be filed with the Commission's Docket Office.

### Corrections to Exhibits

Minor corrections: only minor corrections to an exhibit may be made orally from the witness stand.

Major corrections: all corrections that are not minor should be made in advance of hearings, in writing, and distributed to the ALJ and other parties in order to provide timely notice.

- 1) Corrections should use “redline” format conventions which permit comparison of the original and revised text (i.e. line out or strikeover the original text being deleted; clearly indicate, in a readily distinguishable manner, the substitute or additional text).
- 2) Each corrected page should be marked with the word “revised” and the revision date.
- 3) Exhibit corrections will receive the same number as the original exhibit plus a letter to identify the correction. (Example: Exhibit 2-A is the first correction made to Exhibit 2.) Corrections to exhibits with multiple sponsors will also be identified by chapter number. (Example: Exhibit 5-2-B is the second correction made to Chapter 2 of Exhibit 5, where different witnesses sponsor Chapters 1 and 2.)

#### **Identification of Exhibits in the Hearing Room**

##### Number of copies:

- 1) *Prepared testimony*--the sponsoring party should provide **one copy to the ALJ and one to the court reporter**, and have at least five copies available for distribution to parties present in the hearing room.
- 2) *Other exhibits* – the sponsoring party should provide **two copies to the ALJ and one to the court reporter**, and have at least five copies available for distribution to parties present in the hearing room. (This directive supersedes Rule 71.)
- 3) *Confidential exhibits* – at least one of the copies provided to the ALJ must be in an **unsealed envelope** measuring no more than 10” by 13.”

Premarking Exhibit #s: At the discretion of the ALJ, a block of exhibit numbers may be reserved for each party. A party that “premarks” exhibits with numbers generally should plan to use them at hearing in consecutive numerical order, however.

#### **Cross-examination With Exhibits**

As a general rule, if a party intends to introduce an exhibit in the course of cross-examination, the party should provide a copy of the exhibit to the witness and the witness’ counsel before the witness takes the stand on the day the exhibit is to be introduced.

Exception: A party is not required to give the witness an advance copy of the document if it is to be used for purposes of impeachment or to obtain the witness' spontaneous reaction.

Confidential documents: If parties have agreed to consult prior to disclosure, as in the case of **confidential documents**, they should do so before using the documents in cross-examination, unless a different procedure regarding confidential documents has been arranged in advance with the ALJ.

(END OF APPENDIX)

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Prepared Testimony and Other Documentary Evidence on all parties of record in this proceeding or their attorneys of record.

Dated May 12, 2006, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.